

## **Civil Liability Issues and Use of Force: Training Your Officers on Proper Use of Force Decision Making, Proper Oral and Written Articulation, and The Consequences of Getting it Wrong\***

The purpose of this course is to expose participants to the three most important aspects of use of force training: 1) Making a Proper Use of Force Decision that is Reasonable and Necessary; 2) Articulating Your Use-of-Force Decision Verbally and Through a Proper and Powerfully Constructed Written Report; and 3) Understanding the Civil Ramifications that Can Result From Getting it Wrong.

Designed for firearms and defensive tactics instructors and trainers in particular, participants can expect to be introduced to the two primary court cases that govern all use of force incidents in the United States. These court cases provided law enforcement trainers and officers with particular guidelines and elements in determining when force that is applied is reasonable and necessary. This course will not only cover the legal concepts governing use of force, but more importantly, will cover when and how to properly apply them, as well as providing many training suggestions for future incorporation into participant's training programs. But don't expect to come sit through eight hours of lecture. This course will be highly interactive, and will utilize a wide variety of adult learning methods. This will be accomplished through small group work, report writing, table top scenarios, teach-backs, video-based scenarios, reality-based scenarios, and the use of force simulator. Participants will be provided with basic information regarding the course material, but then will be expected to move through the various levels of learning, eventually culminating in short teach-backs of topics and becoming active participants and evaluators on the use of force simulator. The following topics will be covered:

- Civil Liability: What Constitutes an Intentional Tort Claim vs. an Unintentional (negligent) Tort Claim
- General Duty Rule vs. Special Duty Rule
- Graham vs. Connor: Objective Reasonableness and the "Graham Factors"
- The Three Primary Categories of Use of Force Incidents, and What Legal Elements Need to be Articulated
- Tennessee vs. Garner: When the Use of Deadly Force is Authorized on a Fleeing Felon
- Means, Opportunity and Jeopardy in Deadly Force Encounters
- Articulating Verbally in Support of Your Use of Force Decision-Using Facts, not Conclusions
- Articulating in Writing in Support of Your Use of Force Decision-Using Facts, not Conclusions
- Training Tips and Suggestions
- Becoming as Effective Use of Force Trainer and Evaluator